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Attorney for Plaintiff KATIE  
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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

KATIE CAPPUCCIO,

Plaintiff,

v.

CALIFORNIA STATE UNIVERSITY,  
FULLERTON, and DAVID  
FORGUES, in his individual capacity  
and office capacity as Vice President of  
Human Resources,

Defendants.

Case No. 8:23-cv-02026-FWS-DFM

**REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
THE MOTION FOR SUMMARY  
JUDGMENT, OR IN THE  
ALTERNATIVE, MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
OF DEFENDANT CALIFORNIA  
STATE UNIVERSITY**

Judge: Hon. Fred W. Slaughter  
Crtrm.: Santa Ana, 10D  
Magistrate: Douglas F. McCormick  
Crtrm: Santa Ana, 6B

**Hearing:**

Date: March 20, 2025

Time: 10:00 a.m.

**REQUEST FOR JUDICIAL NOTICE**

As provided by Federal Rule of Evidence 201, and in connection with her Opposition to the Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, of Defendant the Board of Trustees of the California State University ("CSU"), Plaintiff Katie Cappuccio, by and through her attorneys of record, hereby requests that the Court take judicial notice of the following Centers for Disease control publication:

1           **Exhibit A:** “Museum of COVID Timeline,” *CDC Museum COVID-19*  
2 *Timeline* | David J. Sencer CDC Museum  
3 (<https://www.cdc.gov/museum/timeline/covid19.html>) [downloaded February 11,  
4 2025 and last visited February 13, 2025].

5                                   **POINTS AND AUTHORITIES**

6           The Court may take judicial notice of facts that “can be accurately and readily  
7 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.  
8 Evid. 201(b). “The Court . . . must take judicial notice if a party requests it and the  
9 court is supplied with the necessary information.” *Id.* 201(c)(2). **Exhibit A** is located  
10 on the Center for Disease Control’s official website. It is an official publication by an  
11 official federal government agency, and the one that was specifically charged with the  
12 tracking and monitoring of the COVID-19 pandemic. The contents of **Exhibit A** are  
13 generally known within this Court’s territorial jurisdiction, and can accurately and  
14 readily be determined from sources whose accuracy cannot be reasonably questioned,  
15 namely other government agency reports, orders, and guidance; scientific and medical  
16 reports; scientific and medical journals; and media coverage of the pandemic. Evid.  
17 201(a)(1), (2). This is specifically true of the two pages that were referenced in the  
18 deposition of John Beisner, Director of Risk Manager and Compliance on February  
19 11, 2025 (Exh. 69), **pages 27 and 29**, discussing “breakthrough COVID-19 cases” in  
20 June and July 2021. The Morbidity and Mortality Weekly Report (MMWR) report  
21 referenced in the highlighted sections “showing high viral loads in people infected  
22 with the Delta variant of COVID-19 suggest a concern that, unlike with other variants,  
23 vaccinated people infected with Delta can transmit the virus to others” **was “the most**  
24 **wildly circulated report in the agency’s history.”** (*See* Exhibit A, p. 29). The  
25 contents of this timeline are generally known and can readily be determined.

26           Defendant has also had the opportunity to review and object to **Exhibit A**, as it  
27 was introduced as Exhibit 69 in the deposition of Mr. Forgues, and is receiving timely  
28 notice of this request.

1 For these reasons, Ms. Cappuccio respectfully asks the Court to take  
2 judicial notice of **Exhibit A** for the purpose of deciding Plaintiff's Opposition  
3 to CSU's Motion for Summary Judgment, or in the Alternative, Partial Summary  
4 Judgment.

5 Dated: February 13, 2025

YODER DREHER PEARSON, LLP

6 By:

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NICOLE PEARSON

8 Attorney for Plaintiff KATIE CAPPuccio  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2025, a copy of the foregoing document, filed through the ECF system, will be served on all parties as provided by the Notice of Electronic Filing (NEF).

*Nicole C. Pearson*

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